



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/754,802

01/04/2001

Tohru Enoki

FUJO 18.191

3282

26304

7590

06/17/2004

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

KADING, JOSHUA A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/17/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/754,802

01/04/2001

Tohru Enoki

FUJO 18.191

3282

7590

06/02/2004

HELFGOTT & KARAS, P.C.
Empire State Building, 60th Floor
New York, NY 10118

EXAMINER

KADING, JOSHUA A

ART UNIT

PAPER NUMBER

2661

4

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,802

Applicant(s)

ENOKI ET AL.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

Figures 1A, 1B, 1C, 1D, and 1E should be designated by a legend such as --
Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A
5 proposed drawing correction or corrected drawings are required in reply to the Office
action to avoid abandonment of the application. The objection to the drawings will not
be held in abeyance.

Claim Objections

10 Claims 1, 2, 6, 7, and 8 are objected to because of the following informalities:

Claim 1, line 6; claim 6, line 7; claim 7, line 6; and claim 8, line 6 state "the same
path". There is no antecedent basis for this, thus it should be changed to --a same
path--.

Claim 1, line 9 states "the same label". There is no antecedent basis for this, thus
15 it should be changed to --a same label--.

Claim 2, line 6 states "the combination". There is no antecedent basis for this,
thus it should be changed to --a combination--.

Appropriate correction is required.

20

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5 Regarding claim 3, line 4; and claim 5, line 6 applicant discloses "the same label". It is not clear what or which label applicant is talking about. The phrase "the same label" is misleading in that it could define the previously disclosed "same label" or it could disclose labels that are the same. Where the "same label" is acting as a name or identifier for a disclosed entity, and labels that are the same describe "labels" that are
10 copies of each other. Therefore, it is not clear which the applicant means.

 Regarding claim 4, line 8; and claim 5, line 8 applicant discloses "the same path". It is not clear what or which path applicant is talking about. Is it the same path as the "set-up label switched path" or is it a different path that is the same as another path?
15

 Claim 5, line 9 states "the path". It is not clear which path applicant is referring to. There are several paths applicant discloses prior to this, which path is the correct path?

 Claim 5 recites the limitation "the notified path" in line 9. There is insufficient
20 antecedent basis for this limitation in the claim. Claim 4 describes a "router notified" but not a path.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- 5 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 10

Claims 1, 2, 6, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredette et al. (U.S. Patent 6,697,361 B2).

15

Regarding claim 1, Fredette discloses “a path setup device for setting up a label switched path in a label switching network including a plurality of routers (figure 1, shows routers, col. 1, line 23-29), comprising:

- a decision device, when a label request is received, deciding whether there
- 20 exists a label switched path which has already been set up and has the same path as a path corresponding to the label request (col. 14, claim 12, lines 44-54)

a label allocation device, when the set-up label switched path exists, allocating the same label as a label of the set-up label switched path for the label request (col. 14, claim 12, lines 55-60).”

25

Regarding claim 2, Fredette discloses “the path setup device according to claim 1, wherein the decision device decides that the path corresponding to the label request

is the same as the set-up label switched path when the path corresponding to the label request and the set-up label switched path coincide with each other in [a] combination of an ingress router and an egress router and routers located between the ingress router and the egress router (col. 5, lines 17-31)."

5

Regarding claim 6, Fredette discloses "a computer-readable recording medium recorded with a program for setting up a label switched path in a label switching network including a plurality of routers (figure 1, shows routers, col. 1, line 23-29), the program causing a computer to perform (col. 15, claim 16, lines 36-38):

10

when a label request is received, deciding whether there exists a label switched path which has already been set up and has [a] same path as a path corresponding to the label request (col. 15, claim 16, lines 39-45); and

when the set-up label switched path exists, allocating the same label as a label of the set-up label switched path for the label request (col. 15, claim 16, lines 46-49)."

15

Regarding claim 7, Fredette discloses "a path setup method for setting up a label switched path in a label switching network including a plurality of routers (figure 1, shows routers, col. 1, line 23-29), comprising:

when a label request is received, deciding whether there exists a label switched path which has already been set up and has [a] same path as a path corresponding to the label request (col. 13, claim 1, lines 26-35);

20

when the set-up label switched path exists, allocating the same label as a label of the set-up label switched path for the label request; and when the set-up label switched path does not exist, allocating a new label for the label request (col. 13, claim 1, lines 36-40)."

5

Regarding claim 8, Fredette discloses "a path setup method for setting up a label switched path in a label switching network including a plurality of routers (figure 1, shows routers, col. 1, line 23-29), comprising:

decision means for, when a label request is received, deciding whether there
10 exists a label switched path which has already been set up and has [a] same path as a path corresponding to the label request (col. 14, claim 12, lines 44-54);

label allocation means for, when the set-up label switched path exists, allocating the same label as a label of the set-up label switched path for the label request; and when the set-up label switched path does not exist, allocating a new label for the label
15 request (col. 14, claim 12, lines 55-60)."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagami et al. (U.S. Patent 6,683,874 B1) in view of Fredette et al.

Regarding claim 3, Fredette and Nagami disclose the device of claim 1.

5 However, Fredette lacks what Nagami further discloses, that is "the label allocation device allocates the same label for a plurality of forwarding equivalence classes, and when a change has occurred in the label switching network for one of the forwarding equivalence classes, the label reallocation device temporarily releases a label allocated to a path between an ingress router and an egress router and performs processing for
10 reperforming label allocation between the ingress router and the egress router (figure 4 shows the process for the changing of a path if a router or other node in the network is added or updated in some way)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the reperforming of the label allocation with the device of claim 1 for the purpose of reducing the number of labels required for the
15 given routes in the system (Nagami, col. 7, lines 51-53). The motivation is that by having the least possible labels representing the routes, the time for a route lookup is reduced thus increasing efficiency.

Regarding claim 4, Fredette and Nagami disclose the device of claim 1.

20 However, Fredette lacks what Nagami further discloses, that is "when a request to release the same label as the label of the set-up label switched path is received from a router notified of the same label, performing processing for allocating a label different

from the label of the set-up label switched path for a label request corresponding to the same path (figure 4 where this shows the process for changing a path if a router or other node in the network changes)." Although Fredette and Nagami do not explicitly disclose "a different allocation device", it would have been obvious to one with ordinary skill in the art to include a "different allocation device" as a matter of design choice because adding another allocation device to a system that already has an allocation device is a preference of the designer. A system with one allocation device can perform the same functions as a system with two allocation devices. It would have also been obvious to one with ordinary skill in the art at the time of invention to include the reperforming of the label allocation with the device of claim 1 for the purpose of reducing the number of labels required for the given routes in the system (Nagami, col. 7, lines 51-53). The motivation is that by having the least possible labels representing the routes, the time for a route lookup is reduced thus increasing efficiency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2661


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

10 May 21, 2004



KENNETH VANDERPUYE
PRIMARY EXAMINER